

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5347

IN THE MATTER OF:

Served June 2, 1998

Application to Transfer Certificate)	Case No. AP-98-23
No. 185 from BETHANY TRAVEL)	
AGENCY, INC., Trading as BETHANY)	
TRAVEL AND LIMOUSINE SERVICE, to)	
BETHANY LIMOUSINE & BUSES, INC.)	

By application accepted for filing May 22, 1998, Bethany Travel Agency, Inc., trading as Bethany Travel and Limousine Service, Carrier No. 185, ("Bethany Travel" or transferor), and Bethany Limousine & Buses, Inc., a Virginia corporation, ("Bethany Bus" or transferee), seek Commission approval to transfer a substantial part of Bethany Travel's assets, including Certificate No. 185, to Bethany Bus. The application indicates that Bethany Travel and Bethany Bus are owned by the same persons.

Transferee proposes to file transferor's current tariff as its own and commence operations with a substantial number of sedans, limousines, vans, minibuses and motorcoaches.

Under Article XI, Section 11(a), and Article XII, Section 3(a)(ii), of the Compact, the Commission may approve the transfer of assets from a WMATC carrier to another carrier, including a WMATC certificate of authority, if the Commission finds said transfer to be in the public interest. The public interest analysis normally focuses on the acquiring party's fitness, the resulting competitive balance and the interests of affected employees.¹ In this case, however, competition is not an issue because transferring assets from one member of a controlled family to another will not increase the controlling parties' market share, which is the primary concern when assessing the effect of common control on competition.²

This proceeding is hereby initiated to determine transferee's fitness and the impact of the transfer on affected employees.

¹ In re Cavalier Transp. Co., Inc., t/a Tourtime America, Ltd. & Tourtime America Motorcoach, Ltd., No. AP-96-21, Order No. 4926 (Sept. 12, 1996).

² In re Coach One, Inc., t/a Exec. Coach, No. AP-98-06, Order No. 5295 (Mar. 19, 1998).

THEREFORE, IT IS ORDERED:

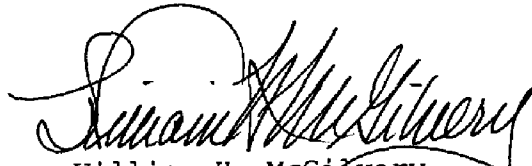
1. That applicants shall publish once in a newspaper of general circulation in the Metropolitan District, no later than June 16, 1998, notice in the form prescribed by the staff of the Commission.

2. That applicants shall file with the Commission, no later than July 6, 1998, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

3. That applicants shall file with the Commission, no later than June 16, 1998, an original and four copies of a statement describing the effect of the transfer on applicants' employees.

4. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing, is July 6, 1998, and that copies must be served on transferee's attorney, Robert S. Bullock, Esquire, 1920 L Street, N.W., Fourth Floor, Washington, DC 20036.

FOR THE COMMISSION:



William H. McGilvery
Executive Director